

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STRATTON NEAL PEAY : CIVIL ACTION
: :
v. : :
: :
DONALD VAUGHN et al. : NO. 02-2688

ORDER

AND NOW, this 13th day of March, 2003, the Court
finding that:

(a) On February 28, 2003, we granted plaintiff's
motion for an enlargement of time until March 7, 2003 to respond
to defendant Ralph Smith's motion to dismiss the amended
complaint;

(b) On March 11, 2003, after the Clerk of Court
confirmed that plaintiff had not filed a response to date, we
granted defendant's motion as unopposed;

(c) Plaintiff subsequently reported to the Court that
he had mailed a response (which was apparently never docketed) on
Thursday, March 6, 2003 and that opposing counsel did not object
to the reinstatement of claims against defendant and our
consideration of the motion to dismiss on the merits;

It is hereby ORDERED that:

1. Our Order of March 11, 2003 (docket entry # 26) is
VACATED; and
2. Pending resolution of defendant's motion to
dismiss, all claims against defendant Ralph Smith are REINSTATED.

BY THE COURT:

Stewart Dalzell, J.

